

AMENDED NOTICE

Privacy Amendments

During November 2003, the Court posted a public Notice regarding Privacy Amendments. This Notice is to update the November 2003 Notice and to reiterate information regarding the Judicial Conference policy on privacy and public access to electronic case files.

The Office of the Clerk accepts electronically filed bankruptcy petitions and pleadings and converts all paper filed documents to electronic case files by scanning those documents. The court makes the content of these documents available on the court's Internet website via WebPACER. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronic documents. The clerk's office will not make available documents that have been sealed or otherwise restricted by court order.

The Judicial Conference's September 2001 policy on Privacy and Public Access to Electronic Case Files states that documents in bankruptcy cases should be made generally available electronically with the proviso that the Bankruptcy Code and Rules allow the court to collect a debtor's full Social Security Number (SSN) but display only the last four digits.

Key provisions of the changes to the Bankruptcy Code and Rules include the following:

- The bankruptcy petition, Official Form 1, will contain only the last four digits of an individual debtor's SSN.
- Amendments to Rule 1007 require debtors to submit a verified statement containing the full nine-digit SSN.
- The new Statement of SSN, Official Form B-21, will not be filed in the case or become part of the case file available to the public at the court or over the Internet.

- Rule 2002 is amended to require the clerk to include the debtor's full SSN in the copy of the meeting of creditors notice, Official Form 9, sent to creditors, the debtor, the trustee, and the United States Trustee or bankruptcy administrator. The copy of section 341 notice included in the court case file, however, will contain only the last four digits of the SSN.
- Official Form 10, Proof of Claim, will require a wage creditor to disclose only the last four digits of the creditor's SSN.
- Official Form 6, the schedules of assets and liabilities, will state that the debtor is required to list only the last four digits of account numbers but that the full numbers are useful to the trustee and creditors and may be provided if the debtor chooses to do so.
- Official Form 16A, the full caption, is amended to include only the last four digits of the debtor's SSN. If Official Form 16B, the short caption, is used, notices other than the section 341 notice mailed to creditors will include either the last four digits or none.

Bankruptcy petitions filed in paper form must include a signed paper copy of the verified Statement of Social Security Number, Form B-21. Bankruptcy petitions filed electronically as part of the case opening in Case Management/Electronic Case Files (CM/ECF) or as part of the automated Case Upload process must include the information and the debtor's attorney must retain a signed copy of the verified statement according to the provisions of General Order No. 5.

CM/ECF, WebPACER, and the Court's Voice Case Information System (VCIS) have been revised so that the CM/ECF system stores the full nine-digit SSN submitted by the debtor but only the last four digits are displayed on the public terminals in the clerk's office and given out on WebPACER and VCIS.

Filers—not the clerk— are responsible for redacting SSN's and other personal data identifiers such as dates of birth, financial account numbers, and names of minor children in documents—including bankruptcy petitions, schedules, statements, proofs of claim, and attachments—they file with the court. Because pre-existing financial documents which include personal data identifiers may be filed as attachments to court papers, filers are responsible for redacting these documents and other attachments appropriately. The documents may be furnished to opposing counsel and not filed unless there is a dispute concerning the document.

W. Yvonne Evans
Clerk of Court